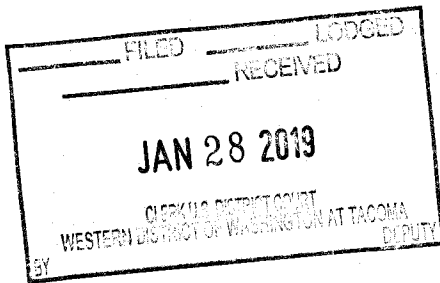


Magistrate Judge



UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

GABRIEL G. RAMIREZ,

Defendant.

NO. CR18-5319

FINDINGS AND ORDER ACCEPTING
DEFENDANT FOR DEFERRED
PROSECUTION, APPROVING TREATMENT
PLAN, AND DIRECTING DEFENDANT TO
TAKE TREATMENT AS PRESCRIBED

THIS MATTER, coming on for hearing this 28th day of January, 2019, upon the defendant's Petition for Deferred Prosecution; the defendant appearing in person and by his attorney, Joseph B. Cutter; the United States of America being represented by Barbara J. Sievers, Assistant United States Attorney; the Court, having examined and incorporated into the record Petitioner's Petition and Statement in support of deferred prosecution, the evaluation and treatment report prepared by Social Treatment Opportunities Program (S.T.O.P.), and the files and records herein, being fully advised in the premises, does now make and enter the following:

I. FINDINGS OF FACT

A. On or about the 25th day of March, 2018, Petitioner was charged with the offense charged in the Information. These offenses occurred as a direct result of alcoholism/chemical dependency problems;

1 B. Petitioner suffers from an alcohol/drug problem and is in need of treatment;
2 C. The probability of similar misconduct in the future is great if the problem is not
3 treated;
4 D. Petitioner is amenable to treatment;
5 E. An effective rehabilitative treatment plan is available to Petitioner through
6 Social Treatment Opportunities Program (S.T.O.P.), an approved treatment facility as
7 designated by the laws of the State of Washington, and Petitioner agrees to be liable for all
8 costs of this treatment program;
9 F. That Petitioner agrees to comply with the terms and conditions of the program
10 offered by the treatment facility as set forth in the diagnostic evaluation from Social
11 Treatment Opportunities Program (S.T.O.P.), attached to Statement of Petitioner filed
12 herewith, and that Petitioner agrees to be liable for all costs of this treatment program;
13 G. That Petitioner has knowingly and voluntarily stipulated to the admissibility
14 and sufficiency of the facts as contained in the written police report attached to Statement of
15 Petitioner filed herewith.
16 H. That Petitioner has acknowledged the admissibility of the stipulated facts in
17 any criminal hearing or trial on the underlying offense or offenses held subsequent to
18 revocation of this Order Granting Deferred Prosecution and that these reports will be used to
19 support a finding of guilt;
20 I. That Petitioner has acknowledged and waived the right to testify, the right to a
21 speedy trial, the right to call witness to testify, the right to present evidence in his defense,
22 and the right to a jury trial;
23

24 From the foregoing FINDINGS OF FACT, the Court draws the following:

25 II. CONCLUSIONS OF LAW

26 A. That the above-entitled Court has jurisdiction over the subject matter and
27 Petitioner GABRIEL G. RAMIREZ, in this case;
28

1 B. That Petitioner's Petition for Deferred Prosecution meets the requirements of
2 RCW 10.05 *et seq.*;

3 C. That the diagnostic evaluation and commitment to treatment meets the
4 requirements of RCW 10.05.150;

5 D. That Petitioner is eligible for deferred prosecution.

6 **III. ORDER**

7 Having made and entered the foregoing FINDINGS OF FACT and CONCLUSIONS
8 OF LAW, it is hereby

9 ORDERED that the defendant is accepted for deferred prosecution. The prosecution
10 of the above-entitled matter is hereby deferred for five (5) years pursuant to RCW 10.05
11 *et seq.*, upon the following terms and conditions:

12 A. Petitioner shall be on probation for the deferral period and follow the rules and
13 regulations of probation;

14 B. Petitioner shall enroll in and successfully complete the two-year treatment
15 program recommended by Social Treatment Opportunities Program (S.T.O.P.) according to
16 the terms and conditions of that plan as outlined in the diagnostic evaluation, a true copy of
17 which is attached to the Petition and incorporated herein by reference. Petitioner shall not
18 change treatment agencies without prior Probation approval;

19 C. The treatment facility, Social Treatment Opportunities Program (S.T.O.P.),
20 shall file with the United States Probation Office status reports of Petitioner's compliance
21 with treatment, monthly during the first year of the deferred prosecution period and every
22 three (3) months during the second year. The Court may increase the frequency of these
23 reports at its discretion;

24 D. Petitioner shall notify U.S. Probation within 72 hours of any residence change.

25 E. Petitioner shall abstain during the deferred prosecution period from any and all
26 consumption of alcoholic beverages and/or non-prescribed mind-altering drugs;

1 F. Petitioner shall not operate a motor vehicle on the public highways without a
2 valid operator's license and proof of liability insurance sufficient to comply with the state
3 laws on financial responsibility;

4 G. Petitioner shall be law abiding and shall not commit any alcohol/drug related
5 offenses or other criminal offenses during the period of deferral,

6 H. Petitioner shall notify U.S. Probation within 72 hours of being arrested,
7 questioned, or cited by Law Enforcement;

8 I. In the event that Petitioner fails or neglects to carry out and fulfill any term or
9 condition of his treatment plan or violates any provision of this Order or any rule or
10 regulation of his probation officer, upon receiving notice, the Court shall hold a hearing to
11 determine why Petitioner should not be removed from deferred prosecution and prosecuted
12 for the offense/offenses charged;

13 J. In the event the Court finds cause to revoke this deferred prosecution, the
14 stipulated police reports shall be admitted into evidence, and Petitioner shall have his guilt or
15 innocence determined by the Court;

16 K. That the statement of Petitioner for Deferred Prosecution shall remain sealed,
17 and all subsequent reports or documents relating to his treatment information shall be sealed,
18 to maintain confidentiality of Petitioner's treatment information;

19 L. That the Department of Licensing be notified of this Order accepting the
20 Petitioner for deferred prosecution;

21 M. Upon proof of Petitioner's successful completion of five years deferral period
22 in this Order, the Court shall dismiss the charges pending against Petitioner.

23 ///

24 ///

25 ///

1 N. Additional conditions:

2 1. The defendant shall participate as directed in a mental health program approved by
3 the United States Probation Office. The defendant must contribute towards the cost of any
4 programs, to the extent the defendant is financially able to do so, as determined by the U.S.
5 Probation Officer.

6 2. The defendant shall comply with taking all prescribed psychotropic medications as
7 directed by his mental health provider.

8 3. The defendant shall submit his or her person, property, house, residence, storage
9 unit, vehicle, papers, computers (as defined in 18 U.S.C. § 1030(e)(1)), other electronic
10 communications or data storage devices or media, or office, to a search conducted by a
11 United States probation officer, at a reasonable time and in a reasonable manner, based upon
12 reasonable suspicion of contraband or evidence of a violation of a condition of supervision.
13 Failure to submit to a search may be grounds for revocation. The defendant shall warn any
14 other occupants that the premises may be subject to searches pursuant to this condition.

15 4. The defendant shall participate as instructed by the U.S. Probation Officer in a
16 program approved by the probation office for treatment of narcotic addiction, drug
17 dependency, or substance abuse, which may include testing to determine if defendant has
18 reverted to the use of drugs or alcohol. The defendant shall also abstain from the use of
19 alcohol and/or other intoxicants during the term of supervision. Defendant must contribute
20 towards the cost of any programs, to the extent defendant is financially able to do so, as
21 determined by the U.S. Probation Officer. In addition to urinalysis testing that may be a part
22 of a formal drug treatment program, the defendant shall submit up to eight (8) urinalysis tests
23 per month.

24 5. The defendant shall participate as directed in the Moral Reconciliation Therapy
25 program approved by the United States Probation and Pretrial Services Office. The
26 defendant must contribute towards the cost of any programs, to the extent the defendant is
27 financially able to do so, as determined by the U.S. Probation Officer.
28

1 DONE IN OPEN COURT this 28th day of January, 2019.

2
3 Theresa L. Fricke

4 THERESA L. FRICKE

5 United States Magistrate Judge

6 Presented by:

7 [Signature]

8
9 JOSEPH B. CUTTER

10 Attorney for Petitioner

11 I have received a copy of the foregoing Order of Deferred Prosecution. I have read
12 and understand its contents, and agree to abide by the terms and conditions set forth herein.

13
14 Dated: 1/28/19

15 X [Signature]

16 GABRIEL G. RAMIREZ

17 Petitioner

18 I certify that a copy of this signed Order was mailed to the subject treatment facility,
19 on 1/28/19, 2019. The United States Probation Office was also
20 furnished a copy of this Order.

21 [Signature]

22 Clerk, Deputy